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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,704	11/17/2003	Paul S. Wike		5401

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EXAMINER

LE, MARK T

ART UNIT PAPER NUMBER

3617

DATE MAILED: 04/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/714,704

Applicant(s)

WIKE, PAUL S.

Examiner

Mark T. Le

Art Unit

3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,7-17,19-24,26-63 and 66-72 is/are pending in the application.
- 4a) Of the above claim(s) 27 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8-12,14-17,19-21,26,43-63 and 68-72 is/are allowed.
- 6) ☒ Claim(s) 1,3,4,7,13,22-24,28-33,36,66 and 67 is/are rejected.
- 7) ☒ Claim(s) 34-35, 37-42 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This communication is responsive to the amendments filed on February 24, 2005. Applicant's amendments and remarks have been carefully considered.

2. In claim 34, line 2, and in claim 43, last line, the word "time" is a typo.
In the last line of claim 72, the period marking the end of the claim is missing.

Claims 66-72 are incorrectly numbered. Claims 66-72 should have been numbered as claims 64-70, respectively.

Proper corrections are required.

3. Claims 22-24 and 66-67 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 22-24 and 66-67 are indefinite because they depend from a cancelled base claim, i.e. claim 18. Accordingly, these claims cannot be further treated on the merits.

4. Claims 28-29 and 32-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Stucki (US 817,406).

Stucki discloses a truck apparatus having all the features as recited in the instant claims, including side bearings, as shown in Figure 3 of Stucki, that are arranged as claimed.

As to the instant claimed side bearings substantially supporting the vertical load of the car body, as recited in instant claim 28, note that the side bearings in the structure of Stucki provide vertical supports to the vertical load transmitted through the

sides of the car body; therefore, the side bearings of Stucki are readable as substantially supporting the vertical load of the car body, as broadly recited in instant claim 28.

5. Claims 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stucki (US 817,406).

Stucki is applied above.

Regarding the instant claimed railway truck components being constructed of a high strength ferrous casting, note that high strength ferrous castings are common in making railway truck components (Official Notice is taken). Accordingly, it would have been obvious to one skilled in the art to construct the railway truck components of Stucki with such common high strength ferrous castings so as to achieve the expected high strength thereof.

As to the instant claimed lost foam process, note that a process of making is generally not patentably significant in an apparatus claim.

6. Claims 1, 3-4, 7 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wike (US 5,918,546) in view of Stucki (US 817,406).

Wike discloses a linear steering truck apparatus similar to that recited in the instant claims, including means for performing car body steering; wherein, the geometries of pivot points in the forms of a parallelogram and a trapezoid are shown in Figure 28 of Wike.

Regarding the instant claimed side bearings, note for example the side bearings of Stucki. It would have been obvious to one skilled in the art to provide side bearings,

e.g. similar to that taught by Stucki, in the railway truck of Wike for enhancing load distributions and facilitating pivotal movement of the car truck relative to the car body.

As to the instant claimed side bearings substantially supporting the vertical load of the car body, as recited in instant claim 1, note that the side bearings in the structure of Wike, as modified, provide vertical supports to the vertical load transmitted through to the sides of the car body; therefore, the side bearings of Wike, as modified, are readable as substantially supporting the vertical load of the car body, as broadly recited in instant claim 1.

7. Claims 1, 3, 7, 13 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wike (US 5,918,546) in view of Barber (US 942,702).

Wike discloses a linear steering truck apparatus similar to that recited in the instant claims, including means for performing car body steering; wherein, the geometries of pivot points in the forms of a parallelogram and a trapezoid are shown in Figure 28 of Wike.

Regarding the instant claimed side bearings, note for example the side bearings shown in Figure 2 of Barber. It would have been obvious to one skilled in the art to provide side bearings, e.g. similar to that taught by Barber, in the railway truck of Wike for enhancing load distributions and facilitating pivotal movement of the car truck relative to the car body.

As to the instant claimed side bearings substantially supporting the vertical load of the car body, as recited in instant claim 1, note that the side bearings in the structure of Wike, as modified, provide vertical supports to the vertical load transmitted through to

the sides of the car body; therefore, the side bearings of Wike, as modified, are readable as substantially supporting the vertical load of the car body, as broadly recited in instant claim 1.

8. Claims 8-12, 14-17, 19-21, 26, 43-63 and 68-72 are allowable.

Claims 34-35 and 37-42 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark T. Le whose telephone number is 703-308-3663. The examiner can normally be reached on Mon-Fri (8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel Morano can be reached on 703-308-0230. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Mark T. Le
Primary Examiner
Art Unit 3617

mle
3/29/05